

Application No. 09/693,938
Docket No. 29250-000958/US

REMARKS

Applicants wish to thank the Examiner for the courtesies extended to their attorney during an in-person interview on August 17, 2004.

Each of the remaining claims, except for claims 8, 9 and 52-53, were rejected using some combination of U.S. Patent No. 6,222,830 to Padovani et al. ("Padovani"), and U.S. Patent No. 5,886,645 to Eaton ("Eaton") along with another reference (e.g., Hendrickson et al. ("Hendrickson") and Neumiller et al ("Neumiller")) which was previously cited in an earlier Office Action.

Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the independent claims, and therefore each of the claims, requires: (a) generating at least: (i) one enhanced frame; and (ii) at least one enhanced frame copy; and (b) combining acceptable portions of the enhanced frame and enhanced frame copy based on error burst representations to form a combined frame of higher quality than the original enhanced frame at least during a soft-handoff.

As the Examiner has acknowledged previously, Padovani does not disclose the generation of an enhanced frame and an enhanced frame copy. To overcome this deficiency, the Examiner now cites Eaton.

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Applicants submit that both the combination of Padovani and Eaton, and the combination of Padovani and Eaton with either Hendrickson or Neumiller, are improper for at least the following reason.

The present invention is directed at the generation of an enhanced frame which may, for example, be used in a soft handoff of a wireless device. Though Padovani does not disclose features of the present invention, as applicants presently understand Padovani, it does disclose soft handoffs. In contrast, Eaton is wholly unrelated to soft handoffs. Instead, Eaton is related to the transmission of duplicate frames within a paging system in order to retransmit some or all information which was not received during an initial transmission.

It is respectfully submitted that there is no suggestion or motivation within Padovani to make use of the duplicate transmissions disclosed in Eaton. Likewise, there is no suggestion or motivation in Eaton to use the soft handoff techniques disclosed in Padovani. Therefore, applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Padovani and Eaton to arrive at the claims of the present invention at the time the application was filed.

In addition, neither Padovani nor Eaton disclose the generation of "enhanced frames" as required by the claims of the present invention. As described at least on page 14 of the specification, an enhanced frame is one which includes an error burst representation indicative of the probable starting location, and length of, a given error burst. There is no disclosure or

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suggestion in either Padovani or Eaton for such an enhanced frame. Therefore, even if one were to combine Padovani and Eaton, such a combination would be lacking an element of applicants' recited claims. Accordingly, applicants respectfully submit that all of the rejections based on a combination of Padovani and Eaton with or without additional references should be withdrawn because neither of these combinations discloses or suggests generation of an enhanced frame and an enhanced frame copy, as in the claims of the present invention.

Claim 8, 9, 52 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Padovani in view of U.S. Patent No. 5,490,153 to Gregg et al. ("Gregg"). Applicants respectfully incorporate their reply to a previous Office-Action wherein applicants stated that this rejection was inappropriate because Gregg does not teach or disclose or suggest combining a portion of an enhanced frame with a portion of an enhanced frame copy based on an error burst representation in each frame to form a combined frame of a higher quality than an enhanced frame with an error burst representation comprising an error start indicator and an error length indicator, as in the claims of the present invention.

Accordingly, applicants respectfully request withdrawal of the pending rejection and allowance of claims 8, 9, 52 and 53.

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Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

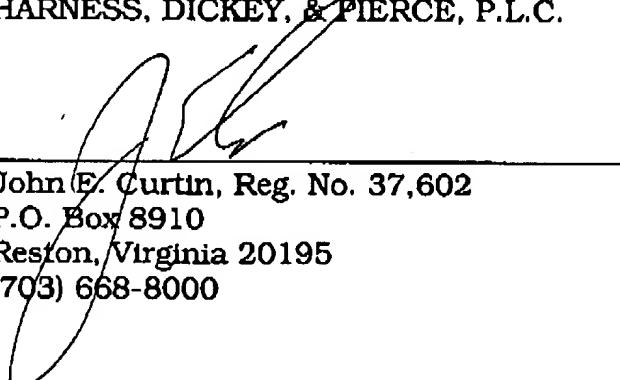
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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